

REMARKS

This paper is responsive to a *non-final* Office action dated December 12, 2007. Claims 1-4, 6-9, 13, 15, and 27-34 were examined and rejected. Of those, claims 1, 2, 9, 27, 28, 30 and 32-34 are now **cancelled**. Claim 3 has been **amended** to present the subject matter thereof in independent form and various other claims have been revised to depend therefrom. The rejection of *original* claim 31 is **traversed** and **new** claims 47-56 have been added to secure a more appropriate scope of protection.

Note Regarding Limitation on Finality of the Next Office Action

As explained below, limitations of *originally presented* claims 3 and 31 are simply not shown in the applied art. Claim 31 is not amended and the amendment herein of claim 3 presents the subject matter thereof in independent form. Both are believed allowable. Nonetheless, should the Office reject either claim based on new grounds, Applicant wishes to emphasize that such action may **not** be made final. See MPEP 706.07(a).

Claim Rejections – 35 U.S.C. § 102

Claims 1-4, 6-9, 13, 15, and 27-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,847,896 to Orban and Hatteland. (hereinafter “*Orban*”). With respect, Applicant notes that claim 3 (now written in independent form) contains limitations that are simply not found in *Orban*. In particular, notwithstanding the Office’s pinpoint citation to *Orban*, col. 15, lines 13-33 (see Office action, p. 3), nothing in *Orban* discloses or suggests a system in which

... survey probe[s are] configured to:
 disconnect a downstream neighbor survey probe and enter an idle state;
 report its unique identifier to the survey controller if in the idle state and in response to a polling command from the survey controller; and
 chang to a state other than the idle state after reporting its unique identifier.

Accordingly, the rejection of claim 3 (and claims 4, 6-8, 13 and 15 which depend therefrom) should be withdrawn. Relative to claim 4, no teaching exists for a survey controller

"assign[ing] and transmit[ing] a different, unique identifier to each survey probe." Relative to claims 13 and 15, the recited capabilities of a survey controller to program survey probes are simply not found in the relied upon disclosure of *Orban* (or elsewhere). With respect, Applicant notes that the portions of *Orban* cited by the Office simply do not disclose that which the Office attributes to them. The rejections should be withdrawn.

Claim 29 has been amended to present the subject matter in independent form and to clarify the relations between a survey controller, survey probes and RFID and GPS functionality. The amended claim is allowable and a notice to that effect is respectfully requested.

Claim 31 remains *unamended* and Applicant respectfully notes that recited features related to electrical disconnect from survey controller-supplied power during measurement and to operation using an internal power source are not disclosed in *Orban*, notwithstanding the Office's citation to col. 15, lines 13-33. Applicant requests that the Office withdraw this erroneous rejection.

Conclusion

In summary, claims 3, 4, 6-8, 13, 15, 29, 31-34 and 47-56 are in the case. Claims 1, 2, 5, 9-12, 14, 16-28, 30 and 32-46 are **cancelled**. New claims 47-56 have been added. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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Respectfully submitted,

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